

ORDINANCE NO. 2757 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF THE FOLLOWING TWO AGREEMENTS: (1) ARENA LEASE AND MANAGEMENT AGREEMENT WITH ARIZONA HOCKEY ARENA HOLDINGS LLC AND COYOTES NEWCO, LLC; AND (2) USE AND NON-RELOCATION AGREEMENT WITH COYOTES NEWCO, LLC; DIRECTING THAT THE USE AND NON-RELOCATION AGREEMENT BE RECORDED; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That it is deemed in the best interest of the City of Glendale and the citizens thereof that the following two agreements be entered into: (1) Arena Lease and Management Agreement with Arizona Hockey Arena Holdings LLC and Coyotes Newco, LLC; and (2) Use and Non-Relocation Agreement with Coyotes Newco, LLC. The agreements, in substantial final form, are now on file in the office of the City Clerk of the City of Glendale.

SECTION 2. That the City Manager and the City Clerk are hereby authorized and directed to execute and deliver said agreements and any ancillary documents or agreements and to do all such acts required to implement the purpose and intent of the agreements on behalf of the City of Glendale, and to approve the final form of the agreements, consistent with the forms now on file and the understanding of the parties, such approval to be evidenced by execution of such documents by the City Manager and the City Clerk.

SECTION 3. That, upon execution of the agreements, the City Clerk is hereby directed to forward the Use and Non-Relocation Agreement for recording to the Maricopa County Recorder's Office.

SECTION 4. Neither the members of the City Council of the City of Glendale nor any officer, employee or agent of the City shall be subject to any personal liability or accountability by reason of the execution of the agreements.

SECTION 5. Notice of A.R.S. § 38-511 is hereby given.

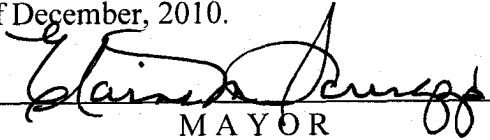
SECTION 6. Emergency Clause.

Whereas, the approval of the agreements will benefit the City of Glendale and its residents by protecting current public and private investment, encouraging incremental investment, and continuing to enhance the positive image of Glendale to residents and tourists; and

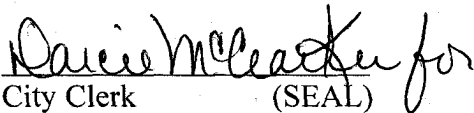
Whereas, the NHL has expressed its intention to keep the Phoenix Coyotes in Glendale, but has established a deadline and imposed requirements that require certain immediate commitments and assurances by the City of Glendale before December 31, 2010; and

Now, therefore, it is hereby determined by the Council of the City of Glendale that the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor and Council of the City of Glendale, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

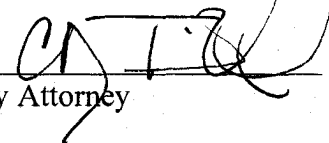
PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 14th day of December, 2010.


MAYOR

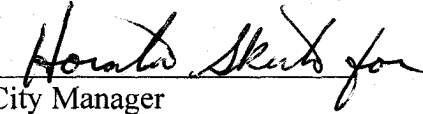
ATTEST:


City Clerk (SEAL)

APPROVED AS TO FORM:


City Attorney

REVIEWED BY:


City Manager